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Attorneys for Defendants
Ranbaxy Laboratories Ltd. and
Ranbaxy Pharmaceuticals Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SMITHKLINE BEECHAM CORP d/b/a
GLAXOSMITHKLINE,

Plaintiff,

v.

RANBAXY LABORATORIES LTD and
RANBAXY PHARMACEUTICALS INC.,

Defendants.

Civil Action No. 03CV2158 (MLC)

**ANSWER AND COUNTERCLAIM OF
DEFENDANTS RANBAXY
LABORATORIES LTD. AND
RANBAXY PHARMACEUTICALS,
INC.**

Judge: Hon. Mary Little Cooper

Defendants Ranbaxy Laboratories Ltd. of New Delhi, India and Ranbaxy Pharmaceuticals Inc. of 600 College Road East, Suite 2100, Princeton, New Jersey 08540, (collectively "Ranbaxy") answer the Complaint of Plaintiff Smithkline Beecham Corp. d/b/a GlaxoSmithKline ("GSK") as follows:

The Parties

1. Ranbaxy has insufficient information to admit or deny the allegations of Paragraph 1, and on that basis denies those allegations.

2. Ranbaxy admits that Ranbaxy Laboratories Limited is an Indian limited liability company having its principle place of business at 19, Nehru Place, New Delhi - 110 019, India.. Ranbaxy denies all other allegations of Paragraph 2.

3. Ranbaxy admits that Ranbaxy Pharmaceuticals Inc. is a Delaware corporation having its principle place of business at 600 College Road East, 2nd floor, Princeton, New Jersey 08540. Ranbaxy denies all other allegations of Paragraph 3.

4. Ranbaxy admits that Ranbaxy Pharmaceuticals is a wholly owned subsidiary of Ranbaxy Laboratories and that Plaintiff has collectively referred to the Defendants as Ranbaxy. Ranbaxy denies all other allegations of Paragraph 4.

Nature of the Action

5. Defendants admit that the Complaint purports to state a claim for infringement of U.S. Patent No. 4,957,924 ("the '924 patent"), but Defendants deny any liability or wrongdoing whatsoever.

Jurisdiction and Venue

6. Ranbaxy admits the allegations of Paragraph 6.

7. Ranbaxy admits there is personal jurisdiction over Ranbaxy Laboratories. Ranbaxy denies all other allegations of Paragraph 7.

8. Ranbaxy admits there is personal jurisdiction over Ranbaxy Pharmaceuticals. Ranbaxy denies all other allegations of Paragraph 8.

9. Ranbaxy admits the allegations of Paragraph 9.

The '924 Patent

10. Ranbaxy admits that U.S. Patent No. 4,957,924 indicates on its face that it issued on September 18, 1990 and that the alleged invention is entitled "Therapeutic Valine Esters Of Acyclovir And Pharmaceutically Acceptable Salts Thereof." Ranbaxy has insufficient knowledge

of the remaining facts alleged in Paragraph 10 and, for that reason, denies all remaining allegations of Paragraph 10.

Acts Giving Rise to this Action

11. Ranbaxy admits that ANDA 76-588 was submitted seeking FDA approval to make and sell generic tablets containing 500 milligrams and 1 gram of valacyclovir hydrochloride prior to the expiration of the '924 patent. Ranbaxy denies all other allegations of Paragraph 11.

12. Ranbaxy admits that ANDA 76-588 alleges that no valid or enforceable claim of the '924 patent will be infringed, and that notice of the ANDA was properly and timely provided to Plaintiff on or before April 1, 2003. Ranbaxy denies all other allegations of Paragraph 12.

13. Ranbaxy denies the allegations of Paragraph 13.

14. Ranbaxy denies the allegations of Paragraph 14.

15. Ranbaxy admits that ANDA 76-588 was submitted seeking FDA approval to make and sell generic tablets of valacyclovir hydrochloride prior to the expiration of the '924 patent. Ranbaxy denies all other allegations of Paragraph 15.

16. Ranbaxy denies the allegations of Paragraph 16.

17. Ranbaxy denies the allegations of Paragraph 17.

18. Ranbaxy denies the allegations of Paragraph 18.

19. Ranbaxy denies the allegations of Paragraph 19.

20. Ranbaxy admits that it was aware of the '924 patent prior to submitting ANDA 76-588 to the FDA. Ranbaxy denies all other allegations of Paragraph 20.

21. Ranbaxy denies the allegations of Paragraph 21.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The '482 patent is invalid for one or more reasons under Sections 102, 103, and/or 112 or Title 35.

G. That Ranbaxy be awarded such other and further relief as is just and proper.

Respectfully submitted,

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.

Dated: 6/11/03

By: 

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CERTIFICATE OF SERVICE

It is hereby certified that the undersigned has this day served a true and correct copy of the foregoing ANSWER AND COUNTERCLAIM OF DEFENDANTS RANBAXY LABORATORIES LTD and RANBAXY PHARMACEUTICALS, INC. by United States mail, first class, postage prepaid to the following counsel for Plaintiff SmithKline Beecham d/b/a GlaxoSmithKline:

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Dated this 11th Day of June, 2003.



Robert G. Shcpherd